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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,969	04/03/2000	FABIEN BATTINI	RCA90121	6724

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EXAMINER

SHIMIZU, MATSUICHIRO

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 11/07/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/509,969

Applicant(s)

BATTINI ET AL.

Examiner

Matsuichiro Shimizu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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*Drawing*

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show descriptive labeling associated with all blocks in figures 1-4 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

*Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The phrase "the invention" (in lines 16 and 18 in abstract) should be avoided.

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3. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

4. The examiner requests the applicant to delete the embedded hyperlink and/or other form of browser-executable code from specification (lines 11-12, page 11).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1        Claims 1–8 are rejected under 35 U.S.C. 102(e) as being anticipated by Humpleman et al. (6,198,479).

         Regarding claim 1, Humpleman discloses control device (CTR) in a home network (col. 1, lines 18–21, home network associated browser of devices), wherein each appliance (col. 2, lines 31–46, a first and a second home devices) has an associated descriptor comprising a set of HTML pages or page parts (col. 2, lines 60–65, HTML coded graphics user interface object including a page containing device buttons) for controlling said appliance, said device having means for loading and processing descriptors associated with the appliances, means (D) for displaying HTML pages or page parts (col. 2, lines 60–65, HTML coded graphics user interface ) for the descriptors loaded, a descriptor containing configuration data (col. 4, lines 19–28, providing users with a plurality of GUI for commanding and controlling each home devices) which identifies an appliance as a source and/or a receiver of a data type, said control device using configuration data for a plurality of appliances to create at least one configuration page in order to allow the user to specify the connections between appliances (col. 2, lines 31–46, the first and second home devices to communicate with each other to perform the service; col. 4, lines 19–28, providing users with a plurality of GUI for commanding and controlling each home devices).

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Regarding claim 2, Humpleman discloses, as disclosed in claim 1, device wherein a descriptor is loaded directly from the appliance with which it is associated, said descriptor being stored in a memory in this appliance (col. 6, line 57 to col. 7, line 6, each home device sends its custom GUI to the browser based DTV (102)).

3. Regarding claim 3, Humpleman discloses, as disclosed in claim 1, wherein a descriptor is loaded from an Internet server, the address of the descriptor being loaded from the appliance with which the descriptor is associated (col. 18, lines 54-60, a session server containing many HTML files)

4. Regarding claim 4, Humpleman discloses, as disclosed in claim 1, further comprising means for aggregating functions of the same type for a plurality of descriptors in order to display aggregated functions on a single page or in order to aggregate a plurality of page parts to display aggregated page parts on a single page (Fig. 11, col. 17, lines 46-62, two home devices on a single page).

5. Regarding claim 5, Humpleman discloses, as disclosed in claim 1, wherein a descriptor contains at least one of the following functions: display of static information relating to the appliance, display of dynamic information relating to the appliance, display of an object for controlling a function of the appliance (Fig. 13, col. 18, lines 43-60, static info for PWR, dynamic info for volume, object for DVCR or DTV).

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6. Regarding claim 6, Humpleman discloses, as disclosed in claim 5, device wherein, when a descriptor contains an object for controlling a function of an appliance, it also contains a program for generating the corresponding command to be transmitted to the appliance with which the set is associated (Fig. 13, col. 18, lines 43–60, command for increase or decrease of audio volume)..

7. Regarding claim 7, Humpleman discloses, as disclosed in claim 1, device wherein the at least one configuration page indicates all the possible configurations (Fig. 5A, col. 13, lines 38–51, all configurations associated with devices are hypertext–linking to the top level home pages containing corresponding configuration).

All subject matters associated with method in claim 8 are disclosed in claims 1–4, and therefore, rejections of the subject matters expressed in claim 8 are met by references and associated arguments applied to rejections of claims 1–4.

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*Contact Information*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matsuichiro Shimizu whose telephone number is (703) 306-5841. The examiner can normally be reached on Monday through Friday from 8:00 AM to 4:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik, can be reached on (703-305-4704). The fax phone number for the organization where this application or proceeding is assigned is (703-305-3988).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-8576).

Matsuichiro Shimizu



November 1, 2002

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
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